

## Federal Acquisition Regulation

## 22.101-1

- 22.1015 Discovery of errors by the Department of Labor.
- 22.1016 Statement of equivalent rates for Federal hires.
- 22.1017 Notice of award.
- 22.1018 Notification to contractors and employees.
- 22.1019 Additional classes of service employees.
- 22.1020 Seniority lists.
- 22.1021 Requests for hearing.
- 22.1022 Withholding of contract payments.
- 22.1023 Termination for default.
- 22.1024 Cooperation with the Department of Labor.
- 22.1025 Ineligibility of violators.
- 22.1026 Disputes concerning labor standards.

### Subpart 22.11—Professional Employee Compensation

- 22.1101 Applicability.
- 22.1102 Definition.
- 22.1103 Policy, procedures, and solicitation provision.

### Subpart 22.12 [Reserved]

### Subpart 22.13—Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans

- 22.1300 Scope of subpart.
- 22.1301 Definition.
- 22.1302 Policy.
- 22.1303 Applicability.
- 22.1304 Procedures.
- 22.1305 Waivers.
- 22.1306 Department of Labor notices and reports.
- 22.1307 Collective bargaining agreements.
- 22.1308 Complaint procedures.
- 22.1309 Actions because of noncompliance.
- 22.1310 Solicitation provision and contract clauses.

### Subpart 22.14—Employment of Workers with Disabilities

- 22.1400 Scope of subpart.
- 22.1401 Policy.
- 22.1402 Applicability.
- 22.1403 Waivers.
- 22.1404 Department of Labor notices.
- 22.1405 Collective bargaining agreements.
- 22.1406 Complaint procedures.
- 22.1407 Actions because of noncompliance.
- 22.1408 Contract clause.

### Subpart 22.15—Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor

- 22.1500 Scope.
- 22.1501 Definitions.
- 22.1502 Policy.

- 22.1503 Procedures for acquiring end products on the List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor.

- 22.1504 Violations and remedies.
- 22.1505 Solicitation provision and contract clause.

### Subpart 22.16—Notification of Employee Rights Concerning Payment of Union Dues or Fees

- 22.1600 Scope of subpart.
- 22.1601 Definitions.
- 22.1602 Policy.
- 22.1603 Exemptions granted by the Secretary of Labor.
- 22.1604 Compliance investigations and sanctions for violations.
- 22.1605 Contract clause.

AUTHORITY: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

SOURCE: 48 FR 42258, Sept. 19, 1983, unless otherwise noted.

### 22.000 Scope of part.

This part—

(a) Deals with general policies regarding contractor labor relations as they pertain to the acquisition process;

(b) Prescribes contracting policy and procedures for implementing pertinent labor laws; and

(c) Prescribes contract clauses with respect to each pertinent labor law.

### 22.001 Definition.

*Administrator* or *Administrator, Wage and Hour Division*, as used in this part, means the Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210 or an authorized representative.

[53 FR 4935, Feb. 18, 1988]

## Subpart 22.1—Basic Labor Policies

### 22.101 Labor relations.

#### 22.101-1 General.

(a) Agencies shall maintain sound relations with industry and labor to ensure (1) prompt receipt of information

involving labor relations that may adversely affect the Government acquisition process and (2) that the Government obtains needed supplies and services without delay. All matters regarding labor relations shall be handled in accordance with agency procedures.

(b)(1) Agencies shall remain impartial concerning any dispute between labor and contractor management and not undertake the conciliation, mediation, or arbitration of a labor dispute. To the extent practicable, agencies should ensure that the parties to the dispute use all available methods for resolving the dispute, including the services of the National Labor Relations Board, Federal Mediation and Conciliation Service, the National Mediation Board and other appropriate Federal, State, local, or private agencies.

(2) For use of project labor agreements, see 36.202(d).

(c) Agencies should, when practicable, exchange information concerning labor matters with other affected agencies to ensure a uniform Government approach concerning a particular plant or labor-management dispute.

(d) Agencies should take other actions concerning labor relations problems to the extent consistent with their acquisition responsibilities. For example, agencies should—

(1) Notify the agency responsible for conciliation, mediation, arbitration, or other related action of the existence of any labor dispute affecting or threatening to affect agency acquisition programs;

(2) Furnish to the parties to a dispute factual information pertinent to the dispute's potential or actual adverse impact on these programs, to the extent consistent with security regulations; and

(3) Seek a voluntary agreement between management and labor, notwithstanding the continuance of the dispute, to permit uninterrupted acquisition of supplies and services. This shall only be done, however, if the attempt to obtain voluntary agreement does not involve the agency in the merits of the dispute and only after consultation with the agency responsible for concil-

iation, mediation, arbitration, or other related action.

(e) The head of the contracting activity may designate programs or requirements for which it is necessary that contractors be required to notify the Government of actual or potential labor disputes that are delaying or threaten to delay the timely contract performance (see 22.103-5(a)).

[48 FR 42258, Sept. 19, 1983, as amended at 27415, May 16, 2001]

#### **22.101-2 Contract pricing and administration.**

(a) Contractor labor policies and compensation practices, whether or not included in labor-management agreements, are not acceptable bases for allowing costs in cost-reimbursement contracts or for recognition of costs in pricing fixed-price contracts if they result in unreasonable costs to the Government. For a discussion of allowable costs resulting from labor-management agreements, see 31.205-6(b).

(b) Labor disputes may cause work stoppages that delay the performance of Government contracts. Contracting officers shall impress upon contractors that each contractor shall be held accountable for reasonably avoidable delays. Standard contract clauses dealing with default, excusable delays, etc., do not relieve contractors or subcontractors from the responsibility for delays that are within the contractors' or their subcontractors' control. A delay caused by a strike that the contractor or subcontractor could not reasonably prevent can be excused; however, it cannot be excused beyond the point at which a reasonably diligent contractor or subcontractor could have acted to end the strike by actions such as—

(1) Filing a charge with the National Labor Relations Board to permit the Board to seek injunctive relief in court.

(2) Using other available Government procedures.

(3) Using private boards or organizations to settle disputes.

(c) Strikes normally result in changing patterns of cost incurrence and therefore may have an impact on the allowability of costs for cost-reimbursement contracts or for recognition